



U.S. DEPARTMENT of STATE

Tunisia

Country Reports on Human Rights Practices - [2003](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 25, 2004

Tunisia is a constitutional republic dominated by a single political party. Zine El-Abidine Ben Ali has been president since 1987. In the 1999 presidential and legislative elections, President Ben Ali ran against two opposition candidates and won 99.44 percent of the vote. There are 7 legal opposition parties, which together hold approximately 20 percent of the seats (34 of 182) that the law reserves for them in the Chamber of Deputies. Elections are regularly characterized by notable irregularities, including voter intimidation, and there is no secret ballot. The Constitution provides that the President appoints the prime minister, the cabinet, and the 24 governors. The Constitution provides for an independent judiciary; however, the executive branch and the President strongly influence judicial decisions, particularly in political cases.

The police share responsibility for internal security with the National Guard and other state security forces. The police operate in the capital and a few other cities. In outlying areas, their policing duties are shared with, or ceded to, the National Guard. The majority of internal security forces are under the control of the Minister of Interior. The civilian authorities maintained effective control of all security forces. Members of the security forces committed numerous serious human rights abuses and acted with impunity.

The country has a population of approximately 10 million and an export-oriented economy that is relatively diversified and increasingly market-based. During the year, the economy's annual growth rate increased to its long-term average of approximately 5 percent. Wages have generally kept pace with inflation. The majority of citizens are in the middle class, and fewer than 5 percent fall below the poverty line.

The Government's human rights record remained poor, and it continued to commit serious abuses in many areas; however, the Government continued to respect human rights in certain areas. There were significant limitations on citizens' right to change their government. Members of the security forces tortured and physically abused prisoners and detainees. Security forces arbitrarily arrested and detained individuals. International observers were not allowed to inspect prisons, and lengthy pretrial, and sometimes incommunicado, detention remained a problem. The Government infringed on citizens' privacy rights. Security forces physically abused, intimidated, and harassed citizens who voiced public criticism of the Government. The Government continued to impose significant restrictions on freedom of speech and of the press. Editors and journalists continued to practice self-censorship. The Government remained intolerant of public criticism and used physical abuse, criminal investigations, the court system, arbitrary arrests, residential restrictions, and travel controls (including denial of passports), to discourage criticism by human rights and opposition activists. The Government restricted freedom of assembly and association. The Government did not permit proselytizing.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Penal Code prohibits such practices; however, security forces tortured detainees to elicit confessions and political prisoners to discourage resistance. The forms of torture included: electric shock; confinement to tiny, unlit cells; submersion of the head in water; beatings with hands, sticks, and police batons; suspension from cell doors resulting in lost consciousness; cigarette

burns; and food and sleep deprivation. Police allegedly beat naked, manacled prisoners while they were suspended from a rod. According to other credible reports, police and prison officials used sexual assault and threats of sexual assault against the wives of Islamist prisoners to extract information, to intimidate, and to punish. The Government did not use Islamic law (Shari'a) as a source of guidance on punishment.

Charges of torture were difficult to prove because authorities often denied victims access to medical care until evidence of abuse disappeared. The Government maintained that it investigated all complaints of torture and mistreatment filed with the prosecutor's office and noted that alleged victims sometimes accused police of torture without filing a complaint, which it stated was a prerequisite for an investigation. However, according to human rights groups, police refused to register complaints, and judges dismissed lodged complaints without investigating. According to Amnesty International (AI) and defense attorneys, the courts routinely failed to investigate allegations of torture and mistreatment and have accepted as evidence confessions extracted using torture. The Government may open an administrative investigation without a formal complaint but is unlikely in those cases to make the results public or even available to the lawyers of affected prisoners.

One reputable NGO suggested that while the Government had slowly improved its treatment of detainees and prisoners in the mid to late 1990s, incidents of abuse were now becoming as common as before. In June 2002, the Tunisian Human Rights League (LTDH) released a report stating that the human rights situation in the country had "seriously deteriorated." The report cited several instances of torture and deaths in prison in previous years. Political prisoners and Islamists allegedly received harsher treatment during their arrests and confinement than criminal detainees.

AI reported on March 10 that one minor and nine young men were arrested in early February in the southeast and that several of them were tortured. The report related that the detainees claimed to have been "beaten on various parts of the body" and that two of them said they also had been "suspended from the ceiling and beaten on their arms and legs." According to AI, one individual was told that "his mother and sister would be brought to the location of the detention, stripped naked, and tortured in his presence."

Security forces regularly used violence against Islamists, activists, and dissidents. On May 10, policemen assaulted Bechir Essid, the President of the National Bar Association, while he was returning from a memorial service honoring the death of a political prisoner who died from torture.

On August 30, four plainclothes policemen attacked Lasaad Jouhri. Jouhri, a former Islamist prisoner who has a partially paralyzed right leg resulting from torture he received in prison between 1991 and 1994, is a key intermediary between current and former political prisoners and the year-old International Association for the Support of Political Prisoners (AISPP). Jouhri remained under close police surveillance and was harassed throughout the year for his political involvement. Police questioned individuals who spoke to him in public.

Credible NGOs stated that the incidence of violence committed by security forces against the property (especially vehicles) of human rights activists increased. During the year, there continued to be regular reports of such cases.

In 2002, three plainclothes policeman attacked and severely beat Judge Mokhtar Yahiaoui, who was removed from the bench in 2001 for criticizing interference with the judiciary by the executive branch. Yahiaoui said he believed the beating was the result of his 2002 call on the Government to release 23 political prisoners who had been in detention for more than 10 years.

Prison conditions ranged from spartan to poor, and in nearly all cases, did not meet international standards. Credible, independent observers described prison conditions as "horrible." Overcrowding and limited medical care posed a significant threat to prisoners' health. Sources reported that 40 to 50 prisoners were typically confined to a single 194-square-foot cell, and up to 140 prisoners share a 323-square-foot cell. Defense attorneys reported that prisoners were forced to share a single water and toilet facility with more than 100 cellmates, creating serious sanitation problems.

Zouhair Yahiaoui, a formerly imprisoned Internet journalist (see Section 2.a.), reported that he had shared a cell that was 40 square meters with 80 fellow prisoners and that they only had access to water for 30 minutes a day. He conducted hunger strikes to protest his treatment.

On March 18, a commission of inquiry into prison conditions delivered its report to President Ben Ali, who had ordered an investigation into the substandard prison conditions documented in a December 2002 article in the magazine *Réalités*. The report was not released to the public. The *Réalités* article had stated that there were 253 prisoners per 100,000 citizens, that prisoners were made to sleep on floors and under beds, and that some waited up to 7 months before moving from the floor to a bed shared with other prisoners.

On June 10, AI published a report entitled "Tunisia: the Cycle of Injustice," stating that prisoners faced prolonged solitary confinement, medical neglect, torture, ill treatment, and humiliation, as well as the violation of other basic rights. It also highlighted continued government harassment of former prisoners after they are released.

Men, women, and children were held separately in prisons. According to *Réalités*, there were four juvenile "reformatory centers." Conditions for detainees and convicts were believed to be roughly equivalent. Conditions in women's jails and prisons were better than in men's jails. Pretrial detainees were usually but not always kept separate from convicts.

There were credible reports that prison conditions and rules were harsher for political prisoners and Islamists. Former political prisoners said their records and identity cards were marked to identify them to guards for "special treatment." These prisoners were apparently moved frequently and upon arrival at a new prison received a brutal beating. One credible report alleged the existence of special cellblocks for political prisoners, in which they might be held in solitary confinement for months at a time. Another credible source reported that high-ranking leaders of the illegal an-Nahdha ("Renaissance") Islamist movement have remained in solitary confinement since 1991. Other sources alleged that political prisoners regularly were moved among jails throughout the country, thereby making it more difficult for their families to deliver food to them and to discourage their supporters or the press from inquiring about them. The National Council for Liberties in Tunisia (CNLT) reported that inmates were instructed to stay away from new political prisoners and were punished severely for contact with them.

Unlike in previous years, there were no confirmed deaths in prison from negligence. However, human rights activists attributed this improvement to what they alleged was a new government policy of releasing terminally ill prisoners in order to avoid inquiries that would have resulted from deaths in prison. During the year, there were several cases in which prisoners died after being released from prison. Human rights NGOs claimed that some of these deaths were preventable, but for the inadequate medical care in prisons and unnecessary delays in seeking outside medical assistance for critically ill prisoners.

The Government did not permit international organizations or the media to inspect or monitor prison conditions.

d. Arbitrary Arrest, Detention, or Exile

The Constitution specifically prohibits arbitrary arrest, detention, and exile; however, those prohibitions were not always observed in practice.

The Ministry of Interior controls the majority of the security services. Within the ministry are several law enforcement organizations, including the police, who have primary responsibility within the major cities; the National Guard, which has responsibility in smaller cities and the countryside; and state security forces tasked with monitoring groups and individuals the Government considers threatening, such as the media, Islamists, human rights activists, and opposition parties and leaders. It is widely believed that the Ministry of Interior monitors the communications of those groups and individuals, and there are a large number of plainclothes police throughout the country. In general, law enforcement groups are disciplined, organized, and effective. However, there were episodes involving petty corruption, including the solicitation of bribes by police at traffic stops, and police brutality against individuals whose behavior was deemed "provocative." Human rights activists believed that law enforcement organizations operated with impunity and that high officials sanctioned the attacks on dissidents and oppositionists that the police allegedly committed.

The law provides that the police must have a warrant to arrest a suspect, unless the crime committed was a felony or in progress; however, authorities sometimes ignored this requirement and arbitrary arrests and detentions occurred. The Penal Code permits the detention of suspects for up to 6 days prior to arraignment (the 3 day maximum may be renewed once), during which the Government may hold suspects incommunicado. Arresting officers are required to inform detainees of their rights, immediately inform detainees' families of the arrest, and make a complete record of the times and dates of such notifications. However, those rules were sometimes ignored. Detainees have the right to know the grounds of their arrest before questioning and may request a medical examination. However, they do not have a right to legal representation during the pre-arraignment detention. Attorneys, human rights monitors, and former detainees maintained that the authorities illegally extended detainment by falsifying arrest dates. Police reportedly extorted money from families of innocent detainees in exchange for dropping charges against them.

The law permits the release of accused persons on bail, which may be paid by a third party. In cases involving crimes for which the sentence exceeds 5 years or that involve national security, pretrial detention may last an initial period of 6-months and may be extended by court order for two additional 4-month periods. For crimes in which the sentence may not exceed 5 years, the court may extend the initial 6-month pretrial detention by an additional 3-months only. During this pretrial stage, the court conducts an investigation, hears arguments, and accepts evidence and motions from both parties. The law provides persons indicted for criminal acts the right to appeal their indictment before the case comes to trial. Detainees have the right to be represented by counsel during arraignment. The Government provides legal representation for indigents. At arraignment, the examining magistrate may decide to release the accused or remand him to pretrial detention.

After a case is investigated, a court sets a trial date. Defendants do not have the right to a speedy trial, nor is there any limit to how much time a case can take. Complaints of prolonged detention awaiting trial were common, and President Ben Ali publicly encouraged judges to make better use of bail and suspended sentences. Some defendants claimed that they were held in pretrial detention for years.

Judges are allowed to substitute community service for jail sentences in cases having sentences of 6-months or less. There were no reports that this alternative was applied in political cases.

The Government denied detaining anyone for political crimes. The lack of public information on prisoners made it impossible to estimate how many political detainees there were. However, it is likely that the number of political detainees held without charge is low because laws prohibiting membership in outlawed organizations and "spreading false information aimed at disturbing of the public order" are so broadly written that criminal convictions of dissidents and Islamists are easy to secure. One credible estimate suggested that there were 600 political prisoners convicted of those and/or other charges (see Section 1.e.).

Judges and the Government exercised their authority to release prisoners or suspend their sentences, often on conditional parole (see Section 1.e.). Internet journalist Zouhair Yahiaoui was conditionally released from prison in November (see Section 2.a.).

The Constitution prohibits forced exile; however, some political opponents in self-imposed exile were prevented from obtaining or renewing their passports in order to return. The Penal Code allows judges to impose administrative controls at sentencing that follow the completion of a prison sentence; however, only judges may order a former prisoner to register at a police station, and the law limits registration requirements to 5 years. The arbitrary imposition of administrative controls on former prisoners following their release from prison often prevented them from being able to hold a job. Defense attorneys reported that some clients must sign in four or five times each day and at times that are determined only the previous evening. When their clients would arrive at the police station, they were forced to wait hours before signing in, which made employment impossible and childcare difficult. Numerous Islamists released from prison in recent years have been subjected to these types of requirements. At least one former prisoner, Abdullah Zouari, was arrested and sentenced to 9-months in prison in August for violating the terms of the administrative control measures imposed on him (see Section 2.a.).

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the executive branch and the President strongly influenced judicial decisions, particularly in political cases. The executive branch appoints, assigns, grants tenure to, and transfers judges, which rendered the system susceptible to pressure in sensitive cases. In addition, the President is head of the Supreme Council of Judges. The law provides citizens legal recourse to an administrative tribunal to address grievances against government ministries; however, government officials rarely respected the tribunal's decisions. Throughout the year, the Government permitted observers from diplomatic missions, members of the European Parliament, and foreign journalists to monitor trials, while selectively barring other observers from human rights organizations from entering the country (see Section 4). The Government did not permit observers to attend sessions of military tribunals.

The court system has civil and criminal courts, which include courts of first instance, housing, appeal, and cassation (the country's highest appeals court). There are also military courts, which fall under the Ministry of Defense, and an administrative tribunal. In most cases, the presiding judge or panel of judges dominates a trial, and defense attorneys have little opportunity to participate substantively.

Trials in the regular courts of first instance and in the courts of appeal are open to the public. By law, the accused has the right to be present at trial, be represented by counsel, and question witnesses; however, judges do not always observe these rights in practice. The law permits the trial in absentia of fugitives from the law. Indigent defendants are provided with free representation. Both the accused and the prosecutor may appeal decisions of the lower courts. In court, a woman's testimony is worth the same as a man's.

Although family and inheritance law is codified, judges were known to apply Shari'a law in family cases (especially those involving child custody) if the two systems conflicted. For example, codified laws provided women with the legal right to custody over minor children; however, judges sometimes refused to grant women permission to leave the country with them, holding that Shari'a appoints the father as the head of the family who must grant children permission to travel. Some families avoided the application of Shari'a inheritance rules by executing sales contracts between parents and children in order to ensure that daughters received shares of property equal to that of sons.

The Constitution provides that defendants are innocent until proven guilty "following a procedure offering essential defense guarantees." However, in 2001, a sitting judge, Jedidi Ghenya, was quoted as stating in court that everyone who appears before him is guilty until he or she proves their innocence. Defendants may request a different judge if they believe that a judge is not impartial; however, in practice, judges did not always permit this.

Lengthy trial delays remained a problem (see Section 1.d.). Defense lawyers claimed that judges sometimes refused to let them call witnesses on their clients' behalf or to question key government witnesses. Defense lawyers contended that the courts often failed to grant them adequate notice of trial dates or to allow them time to prepare their cases. Some reported that judges restricted access to evidence and court records, and in some cases, required all the lawyers working on a case to examine documents together on a single date in judges' chambers, without allowing them to copy relevant documents.

Lawyers and human rights organizations reported that courts routinely failed to investigate allegations of torture and mistreatment and accepted as evidence confessions extracted under torture (see Section 1.c.). They noted that the summary nature of court sessions sometimes prevented reasoned deliberation. They also stated that erratic court schedules and procedures were designed to deter observers of political trials.

Military tribunals try cases involving military personnel and civilians accused of national security crimes. A military tribunal consists of a civilian judge and four military deputy judges (conseillers). Defendants may appeal the military tribunal's verdict to the civilian court of cassation, which considers arguments on points of law as opposed to the facts of a case. AI has claimed that citizens charged under the tribunals have been denied basic rights during the judicial process.

The Government denied that it held any political prisoners but did not permit access into prisons by international humanitarian

organizations. Therefore, there was no definitive information regarding the number of political prisoners. One credible local NGO claimed to have a list of 541 names, while other NGO estimates range from 450 to as many as 1,000. Nearly all of these prisoners were Islamists but very few were convicted for acts of violence. Those who have been identified by international human rights groups as political prisoners or prisoners of conscience were arrested or detained under articles of the Penal or Press Codes that prohibit membership in illegal organizations or spreading false information aimed at undermining the public order. Many were arrested for disseminating information produced by organizations such as the banned Islamist group an-Nahdha. Former political prisoners added that their identity papers were marked in a way that results in their receiving harsher treatment (see Section 1.c.). The Government normally did not provide details on the numbers or types of prisoners released. Prisoner releases traditionally take place on national holidays, but the Government does not announce the number of released prisoners or their names.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions "except in exceptional cases defined by law;" however, the Government infringed on these rights, and police sometimes ignored the requirement to have a warrant before conducting searches if authorities considered state security to be involved.

Unlike in previous years, there were no confirmed reports of forced entry into the homes and offices of human rights activists and opposition figures.

Authorities may invoke state security to justify telephone surveillance. There were numerous reports of the Government intercepting faxes and emails. The law does not explicitly authorize these activities, but the Government stated that the Code of Criminal Procedure implicitly gives investigating magistrates such authority. Many political activists experienced frequent and sometimes extended interruptions of home and business telephone and fax service. Human rights activists accused the Government of using the Postal Code, with its broad but undefined prohibition against mail that threatens the public order, to interfere with their correspondence and interrupt the delivery of foreign publications.

On September 4, the Government formed a "National Committee for the Protection of Personal Information," allegedly to create a judicial structure sufficient to protect personal information.

Security forces routinely monitored the activities, telephone, and Internet exchanges of opposition, Islamist, and human rights activists and sometimes harassed, followed, questioned, assaulted, or otherwise intimidated them, their relatives, and associates. Security forces continued to harass, assault, and intimidate members of the CNLT and LTDH (see Sections 1.c., 2.b., and 4). Police placed journalists who wrote articles critical of the Government or who were active in human rights organizations under surveillance (see Section 2.a.). One such activist, human rights lawyer Radhia Nasraoui, conducted a 57-day hunger strike to protest the Government's mistreatment of her, her family, and her clients. She reported that the Government kept her under continuous surveillance, routinely cut her telephone service, and harassed her clients.

Credible reports indicated that the children of activists were harassed and beaten by police. In June 2002, a man that witnesses believed was a plainclothes policeman attacked the daughter of Judge Mokhtar Yahiaoui with a club as she was leaving school. Human rights activists claimed that the Government subjected family members of Islamist activists, as well as human rights activists, to arbitrary arrest, reportedly using charges of "association with criminal elements" to punish family members for crimes allegedly committed by the activists. Human rights activists reported that their family members were denied jobs, business licenses, and the right to travel due to their relatives' activism. They also alleged that the relatives of Islamist activists who are in jail or living abroad were subjected to police surveillance and mandatory visits to police stations for questioning about their activist relatives. The Government maintained that the "non-activist" relatives were themselves members or associates of the outlawed an-Nahdha movement and that they were thereby subject to legitimate laws prohibiting membership in or association with that organization.

Human rights activists alleged that security forces arbitrarily imposed administrative controls on prisoners following their release from prison (see Section 1.d.) and confiscated national identity cards from numerous former prisoners. Confiscation of an identity card makes nearly every aspect of civil and administrative life difficult. An individual must have an identity card to receive access to healthcare, sign a lease, buy or drive a car, have access to bank accounts and pensions, and even to join a sports club. Police may stop anyone at any time and ask for their identity card. If individuals are unable to produce their cards, police may detain them until their identity can be established by a central fingerprint database. There were no indications that the Government had reissued any of the 10,000-plus confiscated national identity cards of former prisoners convicted of an-Nahdha membership or relatives of an-Nahdha members and their supporters.

The Government regularly prohibited the distribution of some foreign publications (see Section 2.a.). Security forces often questioned citizens seen talking with foreign visitors or residents, particularly visiting international human rights monitors and journalists (see Section 2.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression and of the press; however, the Government restricted these rights in practice. The Government used a central censorship office as well as indirect methods to restrict press freedom and encourage a high degree of self-censorship. The Government also uses the Press Code, which contains broad provisions prohibiting subversion and defamation, to prosecute individuals who expressed dissenting opinions. In a 2001 speech before his party, the ruling Constitutional Democratic Rally (RCD), President Ben Ali stated that although the Government must protect the right of citizens to hold dissenting opinions, those citizens who criticize the country in the international media were "traitors" who would be prosecuted to the full extent of the law. Direct criticism of government policies or officials was restricted, either directly or through self-censorship (Section 1.f.).

Abdullah Zouari, a former journalist for the an-Nahdha journal Al-Fajr, was released from prison in April 2002 after serving 11 years. He was rearrested in August 2002 for violating the terms of his "administrative control measures" (see Section 2.d.), which required him to stay "in the area of his residence" in a small town along the Libyan border, far from his family who lived in Tunis. In August, he again violated the terms of his release when he traveled with a foreign lawyer to meet with other former political prisoners and was rearrested. Several other Al-Fajr journalists allegedly remained in jail, serving sentences that were imposed in the early 1990s. The Government stated that the arrests, indictments, and convictions were carried out in full accordance with the law.

In 2002, the Tunisian Association of Journalists (AJT) released a widely disseminated report later denounced by the AJT leadership, strongly criticizing the Government's control of the press and information sector. Apparently responding to government pressure, the AJT's 2003 report contained almost no criticism of the present state of freedom of the press. At year's end, the Tunisian Newspaper Association remained expelled from the World Association of Newspapers because of its failure to oppose repression of freedom of the press.

Several independent newspapers and magazines--including several opposition party journals--existed; however, the Government relied on direct and indirect methods to restrict press freedom and encourage a high degree of self-censorship. Most Government restrictions on the media were designed to control information published internally. The international media had reasonably free access within the country; however, visiting foreign journalists sometimes complained of being followed by security officials.

As a result of growing competition from satellite broadcasters, the broadcast media was forced to update its programming to include the addition of differing points of view on international issues. However, this dialogue did not extend to national issues.

Print media was less tightly controlled than broadcast media. The Government owned and operated the Tunisian Radio and Television Establishment (ERTT). The ERTT's coverage of government news was taken directly from the official news agency, the Tunisian African Press. There were several government-owned regional radio stations and two national television channels. A bilateral agreement with Italy permits citizens to receive the Italian television station RAI-UNO; however, the broadcast of French television station France 2 remained suspended because of its critical coverage of the 1999 elections. The Government regulated the sale and installation of satellite dishes, and, according to recent official estimates, there were more than 200,000 in the country. However, other sources stated that a majority of households had satellite receivers, and at least 70 percent of the population had access to satellite broadcasts. Citizens viewed broadcasts of not only pan-Arab media like Al Jazeera but also independent stations focusing on North Africa, such as the London-based Al-Mustakillah and Zeitouna (maintained by an-Nahdha, the outlawed Islamist party) as alternative sources of news and political opinion. The Zeitouna website was also popular. Al Jazeera cited onerous government controls to explain why it did not maintain a presence in the country.

The Government continued to tightly control the radio airwaves; however, on November 7, the country's first private radio station began broadcasting. Although the station was allowed to engage in wide social commentary it did not enjoy the same freedom in the political sphere.

On November 19, Internet journalist Neziha Rejiba, who writes under the name Om Zied, received a \$950 (1,200 dinar) fine and an 8-month suspended sentence for violating local currency restrictions. Rejiba noted that she was not in technical violation of the law, which was not routinely enforced. It was widely believed that she was singled out for her critical writing about local politics. The Government blocked access to the online magazine, Kalima, for which she is a contributing journalist.

On November 18, Internet journalist Zouhair Yahiaoui was conditionally released from prison after serving the majority of his 2-year prison sentence. Yahiaoui was arrested in June 2002 for spreading false information on his opposition web magazine TUNeZINE. The magazine had published an online conference on the May 2002 Constitutional referendum and asked respondents to vote whether they felt that living in the country was like living in a prison. He also was alleged to have posted a rumor of an armed attack against the President. Yahiaoui was considered the only secular (i.e. non-Islamist) political prisoner. Defense lawyers said they were given no opportunity to make arguments about his case in court (see Section 1.c.).

Opposition activists and international observers criticized the 2002 transfer of responsibility for the media to the Interior Ministry as superficial and designed to give the appearance of liberalization, with only cosmetic changes. The Government allowed newspapers published outside Tunis to provide copies for approval to local government offices instead of a central office located in Tunis. Newspapers were required to raise the percentage of journalists drawn from the government-run Institute of Journalism on their editorial staff from 30 percent to 50 percent.

Although no specific legislation directly allowing for government censorship exists, the LTDH 2003 Report on the Freedom of

the Press noted that the Government maintained firm control over the independent press by controlling the placement of all ads in local newspapers and magazines, keeping subtle, but clear, pressure over the editors, reducing information to one single source (i.e. the local wire service or carefully orchestrated government press conferences).

The Government's strict psychological and legal control of the press continued to create a hostile environment for journalists. Primary among these methods was "depot legal," the requirement that printers and publishers provide copies of all publications to the Ministry of Interior and get a receipt before the publications may be distributed. On occasion, such receipts reportedly were withheld, sometimes indefinitely. Without a receipt, publications could not be distributed legally. The Government also reportedly withheld this authorization in order to prevent the circulation of books that it deemed critical of the Government.

In March 2002, the Government seized At-Tariq Al Jadid, the paper of the opposition party Renewal Movement when editors tried to print a story critical of the constitutional reform plan. The opposition Democratic Progressive Party (PDP) claimed that, in January and August 2001, copies of its government-subsidized newspaper, Al-Mawqif, were removed from newsstands because they contained articles critical of the Government. Publication of the Al-Mawqif newspaper was delayed on several occasions. During the year, Al-Mawqif returned to the newsstands, although on an irregular basis. Since 1999, the Government has not permitted the Tunisian Bar Association to publish its internal bulletin.

Human Rights groups criticized the selection of the country as the site of the 2005 World Summit on Information Society meeting because of the country's record on Internet freedoms and freedom of expression.

The Tunisian Agency for External Communications effectively imposed censorship by selectively withholding advertising funds. There were credible reports that the Government withheld advertising orders, a vital source of revenues, from publications that published articles deemed offensive by the Government. For example, after Hedi Yahmed's *Réalités* article on prison conditions, the Government pulled its ads from the magazine for a brief time, and in December 2002, Yahmed was forced to resign from *Réalités* (see Section 1.c.). The Government exerted further control over the media by threatening to impose restrictions on journalists, such as refusing permission to travel abroad, withholding press credentials, and imposing police surveillance on those who wrote articles critical of the Government.

In July, the Government amended the electoral code to prohibit citizens from talking about national politics on foreign radio or television channels during the 2-week campaign prior to national elections. The law imposes a \$19,000 (25,000 TD) fine on violators. This was widely seen as an attempt to limit the impact of opposition party satellite broadcasts originating in London and to deter opposition leaders from criticizing the Government on foreign Arab media that have been unwilling to self-censor (like Al Jazeera).

The Press Code contains provisions similar to, but much broader than, libel laws that prohibit subversion and defamation, neither of which is clearly defined. The code stipulates both fines and confiscation for failure to comply with its provisions. The Government routinely used this method to prevent distribution of editions of foreign newspapers and magazines that contained articles critical of the Government.

Members of the security forces reportedly questioned journalists regarding the nature of press conferences and other public functions hosted by foreigners that the journalists attended.

The Government continued to refuse to allow AI's local chapter to distribute textbooks on human rights written for high school students. Like other publications, textbooks are subject to the "depot legal" process.

During the year, the Government selectively encouraged greater use of the Internet. Journalists and students were entitled to a 25 percent reduction in Internet usage fees. While there were an estimated 500,000 Internet users and 3 million subscriptions, the Government remained vigilant about monitoring e-mail and Internet content. It also frequently blocked websites and on-line publications containing information critical of the Government posted by NGOs, opposition parties, the media, and foreign governments, including a report on Internet use in the country by Human Rights Watch (HRW). The Government also closed several public Internet stations, citing complaints that minors were accessing "immoral" websites. The number of Internet cafes in the country dropped from 340 in 2002 to 260 during the year. Eighty were closed during a police sweep in June and July 2002. The Government used the Internet widely, with most government ministries and agencies posting information on readily accessible websites. The five Internet service providers in the country remained under the control of the Tunisian Internet Agency, which regularly provided lists of subscribers to the Government. Human rights activists alleged that the agency regularly interfered with and intercepted their Internet communications. The Press Code, including the requirement that advance copies of publications be provided to the Government, applies to information shared on the Internet (see Section 4).

The Government limited academic freedom. Like journalists, university professors sometimes practiced self-censorship by avoiding statements supporting the an-Nahdha movement or critical of the Government in the classroom. Professors alleged that the Government used the threat of tax audits, control over university positions, and strict publishing rules to encourage self-censorship. The presence of police on campuses also discouraged dissent. Professors must inform the Ministry of Higher Education in advance of any seminars, including the list of participants and subjects to be addressed. Copies of papers to be presented in university settings or seminars must be provided to the Ministry in advance.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right. Groups that wish to hold a public meeting, rally, or march must apply for (and subsequently obtain) a permit from the Ministry of Interior no later than 3 days before the proposed event, and they must submit a list of participants. The authorities routinely approved such permits for groups that support government positions but often refused permission for groups that expressed dissenting views. In addition to permits, registration also was used to control the status and operations of NGOs.

During the year, LTDH activists continued to report government harassment, interrogation, property loss or damage, unauthorized home entry, and denial of passports. In October 2002, the LTDH reported disruptions to its regional elections in the southern town of Gabes and the northern town of Jendouba. Accounts of events differed, but the LTDH maintained that ruling RCD party delegates objected to the voting procedures in Gabes and moved that the congress should be adjourned without completing the election. Members of the RCD threatened LTDH members with physical violence and police intervened, ultimately prohibiting the conclusion of the voting. Additionally, smaller LTDH offices reported difficulty in renting space to hold elections. Leaders maintained that police threatened hotel and hall managers to prevent them from renting meeting space to them. Despite LTDH president Mokhtar Trifi's pledge to continue elections despite threats and violence, no new board was elected by year's end.

Unlike in previous years, there were no reports that police disrupted CNLT meetings during the year; however, large numbers of plainclothes state security officers continued to maintain a visible presence surrounding the meeting sites of human rights NGOs, allegedly to intimidate attendees.

The Government permitted some demonstrations to occur; however, the Government broke up several unsanctioned demonstrations during the year. For example, on February 16, police disrupted a Tunisian General Federation of Labor (UGTT) anti-war demonstration in Sfax, injuring 20 protestors; however, the Government allowed UGTT to demonstrate legally the next day. Five demonstrators, including the Secretary General of a high school teachers' union, were injured in another protest that police interrupted a week later on February 23. Police dispersed several pro-Iraq demonstrations and meetings on college campuses. In December 2002, the Government forbade 11 opposition and civil society groups from demonstrating against war with Iraq. Hundreds of riot police enforced the ban, although organizers indicated they had tried to coordinate the protest with authorities beforehand. The RCD organized several anti-war demonstrations on March 22 and 23, which were allowed to take place.

The Constitution provides for freedom of association; however, the Government restricted this right by refusing registration to some political groups or parties based on religion, race, region of origin, or political orientation. The Government banned organizations that it claimed threaten disruption of the public order and used this proscription to prosecute and harass members of the Tunisian Communist Worker's Party (PCOT), CNLT, and Rally for an International Alternative to Development (RAID), among others.

On July 8, the Court of Appeals ruled that the February 2002 1-day strike of lawyers organized by the Tunisian National Bar Association, to protest the excessive use of force by security forces in the courtroom of opposition activist Hamma Hammami, had been illegal.

c. Freedom of Religion

The Constitution provides for the free exercise of religions that do not disturb the public order, and the Government generally respected this right in practice; however, there were some restrictions and abuses. The Government does not permit the establishment of political parties based on religion, prohibits proselytizing, and partially limits the religious freedom of Baha'is. Islam is the state religion, and the Constitution stipulates that the President must be a Muslim. The Government controlled and subsidized mosques and some synagogues, and it paid the salaries of both Muslim prayer leaders and the country's Grand Rabbi.

The Government recognizes all Christian and Jewish religious organizations that were established before independence in 1956. Although it permitted other Christian denominations to operate freely, only the Catholic Church had formal recognition from the post-independence Government. Other groups may in theory be recognized on an ad hoc basis. Authorities deported foreigners suspected of proselytizing and did not permit them to return. There were no reported cases of official action against persons suspected of proselytizing during the year. Since 1999, the Government has not permitted registration of a Jewish religious organization in Djerba; however, the group has been permitted to operate, and it performed religious activities and charitable work unhindered.

Islamic religious education was mandatory in public schools; however, the religious curriculum for secondary school students also included histories of Judaism and Christianity.

The Government did not permit the establishment of political parties based on religion, and it used this prohibition to outlaw the Islamist party, an-Nahdha, and to prosecute suspected activists for "membership in an illegal organization" (see Sections 1.c., 1.d., 1.e., and 2.b.). Several years ago, the Government revoked the identity cards of an estimated 10,000 to 15,000 Islamists and fundamentalists (see Section 1.f.), which, among other consequences, prevented them from being legally employed. The Government continued to maintain tight surveillance over Islamists and Islamic fundamentalists.

The law provides that only persons whom the Government appoints may lead activities in mosques, such as prayer or theological discussion groups. The Government required that mosques remain closed except during prayer times and other authorized religious ceremonies, such as marriages or funerals. According to human rights lawyers, the Government regularly questioned individuals observed praying frequently in mosques. Authorities instructed imams to espouse government social and economic programs during prayer times in mosques.

Government regulations forbid the wearing of hijabs (headscarves worn by traditional Muslim women) in government offices, and the Government discouraged their use in public. While penalties were not normally applied, there were reports of police requiring women to remove their hijabs in offices, on the street, and at certain public gatherings.

Religious publications are subject to the same restrictions on freedom of speech and press as secular publications. Christian groups were generally allowed to distribute religious documents in English but not in Arabic. Moreover, only sanctioned religious groups were allowed to distribute religious documents. In the Government's view, distribution by other groups constituted an illegal "threat to public order."

Christians and Jews living in the country, including foreigners, constitute approximately 2 percent of the population. The Government permitted Christians who did not proselytize to worship as they wished, and it let Jewish communities operate private religious schools. Jewish children on the island of Djerba were permitted to divide their academic day between secular public schools and private religious schools. The Government also encouraged Jewish expatriates to return for the annual pilgrimage to the historic El-Ghriba Synagogue on the island of Djerba. After a suicide truck bombing at that same synagogue in April 2002, the Government provided increased security.

While Baha'is do not consider themselves to be Muslims, the Government regarded the Baha'i faith as a heretical sect of Islam and permitted its adherents to practice their faith only in private. It also did not permit Christian groups to establish new churches. Although proselytizing was banned, there were no reported cases of official action against persons suspected of proselytizing during the period covered by this report.

The Government denied the applications for passports of some individuals who converted to another faith from Islam, allegedly as a form of retribution and to discourage others from also converting. In addition, Muslims who convert to another religion faced social ostracism.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice; however, the Government refused to issue, renew, amend, or accept passports of some dissidents, Islamists, and their relatives. The Government also may impose at sentencing a 5-year period of "administrative controls" on certain former prisoners that constituted a type of internal exile. Unlike parole, these individuals have completed their sentences, and the areas to which they are sent to live could be far from their homes and families (see Section 1.d.).

The law provides that the courts can cancel passports and contains broad provisions that both permit passport seizure on national security grounds and deny citizens the right either to present their case against seizure or to appeal the judges' decision. The Ministry of Interior is required to submit requests to seize or withhold a citizen's passport through the public prosecutor to the courts; however, the Ministry of Interior routinely bypassed the public prosecutor to withhold passports from citizens with impunity. The public prosecutor deferred to the Ministry of Interior on such requests.

On August 12, a citizen was reportedly refused permission to travel outside the country because she was the sister of a critic of the Government living in France. Likewise, former Judge Mokhtar Yahiaoui continued to be prevented from traveling abroad. Another citizen said that her father was prevented from traveling to both Saudi Arabia to perform religious rituals and Europe to seek medical treatment because the Government saw him as a "former" dissident. The Government did not process his application for a passport, and he died in September without having been able to travel (see Section 2.c.).

Hedi Bejaoui, another an-Nahdha member under administrative control since 1990, has been unable to travel for medical treatment due to the Government's seizure of his passport (see Section 1.d.). In November 2002, the Government again denied Sadri Khiari the right to travel to France to defend his dissertation. A support committee called Article 13, after the freedom of movement section of the Universal Declaration of Human Rights, was established in support of Khiari and others who were denied their right to travel.

Some political opponents in self-imposed exile were prevented from obtaining or renewing their passports in order to return (see Section 1.d.). The Government also reportedly confiscated the passports of a small number of Christian converts.

There was no data available about the number of internally displaced persons in the country, but it was a technique occasionally imposed on Islamist former prisoners, as part of a broader set of administrative controls imposed on released political prisoners. The Government assigns those individuals a place of residence at the time of their initial sentencing, and they may be instructed

to report to the police several times per day. One example was Abdallah Zouari, a former journalist, who was assigned to live in the small southeastern town of Zarzis (see Section 2.a.).

The Constitution provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and regularly granted refugee status and asylum. It also expressly prohibited the extradition of political refugees. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees. The Government acknowledged the UNHCR's determination of refugee status, which was accorded to 99 individuals during the year. Also during that year, the UNHCR processed 71 applications for asylum. The Government provided temporary protection for refugees based on UNHCR recommendations. There was no pattern of abuse of refugees. Although a few refugees were deported during the year, none were forced to return to countries where they feared persecution. During the year, A UNHCR official in the country said that there were 120,000 Algerian refugees and 75,000 Iraqi refugees living in the country.

Section 3 Political Rights: Citizen's Right to Change Their Government

The Constitution provides that citizens shall elect the President and members of the Chamber of Deputies for 5-year terms; however, there were significant limitations on citizens' right to change their government. The RCD's domination of state institutions and political activity precluded credible and competitive electoral challenges from unsanctioned actors. Moreover, irregularities that called into question the legitimacy of elections were routine. In national votes over the last few years, official margins of victory for the incumbent or the Government position were routinely greater than 99 percent, and there were indications that voter turnout was falsified. The Chamber of Deputies held occasionally lively debates on the merits of government initiatives, but, in terms of lawmaking, it simply confirmed legislation initiated by the executive branch.

The ruling party has maintained power continuously since the country gained its independence in 1956. The RCD dominates the Cabinet, the Chamber of Deputies, and regional and local governments. The President appoints the Cabinet and the 24 governors. The Government and the party are integrated closely; the President of the Republic is also the president of the party, and the party's secretary general holds the rank of minister, as do most members of the RCD politburo, who exert significant influence over national affairs. There were 7 legal opposition parties, which together held approximately 20 percent of the seats (34 of 182) that the law reserves for them in the Chamber of Deputies.

Narrowly written criteria in the Electoral Code significantly limit the number of individuals eligible to run for president. A candidate must receive the endorsement of 30 sitting deputies or municipal council presidents to be eligible to run. On January 7, the Chamber of Deputies debated and passed a government-sponsored bill that amended Article 40 of the Constitution to redefine the prerequisites for presidential candidates. According to the new amendment, a candidate must be drawn from the executive or steering committee of his or her political party, instead of the old rule allowing only party chiefs to run, but must have been on the committee for 5 years. A further condition is that the party must have representation in the Chamber of Deputies. Those reforms, which in theory increased the number of persons eligible to run for president, also criminalized the use of foreign media during the campaign period immediately preceding the election (see Section 2.a.).

To mitigate the advantages wielded by the ruling party, the Electoral Code reserves 20 percent of seats in the Chamber of Deputies for the officially recognized opposition parties and distributes them on a proportional basis to those parties that won at least a single directly elected district seat. Because opposition parties have been unsuccessful in their attempts to raise money from private contributors, the Government partially funded their campaigns. For the 1999 elections, each party represented in the Chamber of Deputies received an annual public subsidy of approximately \$42,000 (60,000 TD), plus an additional payment of \$3,500 (5,000 TD) per deputy. Additional funding was available in proportion to the number of district lists that each party presented. During the 4-month campaign for the 2002 constitutional referendum, the Government gave opposition parties television time to present their positions. Opposition newspapers had difficulty finding sources of advertising revenue, so the Government gave each one \$105,000 (150,000 TD) annually. The Government provided airtime and equal space on bulletin boards for opposition parties.

RCD membership conferred other tangible advantages. For example, children of RCD members were much more likely to receive scholarships and housing preferences at school. There also were reports that RCD members were much more likely to receive small business permits and waivers on zoning restrictions.

The Government did not permit the establishment of political parties on the basis of religion and used the prohibition to refuse recognition of the an-Nahdha party and to prosecute suspected members for "membership in an illegal organization" (see Sections 2.b. and 2.c.). In 2002, the Democratic Forum for Labor and Liberties (FTDL) was legalized, 8 years after first applying for recognition.

The 2002 constitutional amendments enable President Ben Ali to remain in office past his third 5-year term, which ends in 2004. Of the 38 amendments to the constitution that were approved, the 6 most substantive were the following: Article 15, which originally endowed citizens with the responsibility for national defense, was broadened to include protection of the country's "independence, sovereignty, and integrity." Article 19 established a Chamber of Councilors as a second legislative chamber, comprised of 1 to 2 members (depending on population) from each of the 24 governorates, as well as two other groups who will be chosen by the President, one from among "professional organizations" and another of "national public figures." Article 39, which originally limited the president to three terms, was abolished. Changes to Article 40 raised the upper age limit of presidential candidates to 75. Article 41 granted the president judicial immunity upon leaving office for acts he undertook in the

exercise of his duties. Lastly, Article 57 granted the Constitutional Council responsibility for determining if the president is unfit to govern and mandates that, in such an event, the president of the Chamber of Deputies would hold the presidency between 45 and 60 days until new elections can be held. On July 28, President Ben Ali announced his candidacy to run for president in the 2004 elections.

There were 21 women in the 182-seat legislature. One of the 25 ministers, and 5 of the 20 Secretaries of State in the Government were women. More than one-fifth of municipal council members were women. Three women served as presidents of chambers on the Court of Cassation, the highest court of appeals. Two women served on the 15-member higher council of the magistracy. September 7 by-elections in a governorate on the outskirts of Tunis were one of the first elections held in the country without gender segregation at polling stations.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups existed and were able to investigate and publish their findings on human rights cases; however, the Government sought to discourage investigations of human rights abuses. The Government claimed that there were more than 7,000 NGOs in the country; however, the number of human rights NGOs is closer to 10, of which 5 were authorized and 5 were unauthorized. However, the Government states that a much larger number work on a broader set of human rights related issues, such as social and economic development. The Government met with registered domestic human rights NGOs, and it responded to their inquiries; however, it also harassed, targeted, and prosecuted some of them. Human rights activists and lawyers complained of frequent interruptions of postal and telephone services (see Section 1.f.). There were numerous additional reports during the year of unauthorized home entries, suspicious property loss or damage, and police attacking human rights activists, journalists, and others critical of the Government (see Sections 1.c., 2.a., and 2.b.).

The LTDH was one of the most active independent advocacy organizations, with 41 branches throughout the country. The organization receives and investigates complaints and protests abuses. It reported that RCD activists had disrupted some of its regional elections and had prevented national elections from taking place. In previous years, the LTDH had reported unauthorized break-ins and denial of passports. During the year, the LTDH reported that RCD activists disrupted some of its regional elections. By year's end, incomplete regional results prevented national elections from taking place (see Section 2.b.).

The Government charged two human rights activists, Mohamed Nouri and Mokhtar Yahiaoui, with "knowingly spreading false information with the aim of inspiring belief in the existence of a criminal act targeting persons or property" after they cited, in May, the apparently false claims of a citizen seeking asylum in France that a person had died in police custody in April.

Since 1998 the Government has refused to authorize the CNLT's registration as an NGO. The CNLT issued statements criticizing government human rights practices. Government officials stated that, by publishing communiques in the name of an unregistered NGO, CNLT members violated the Publications Code (which requires that advance copies be provided to the Government), belonged to an illegal organization, and threatened public order. Some CNLT members still were unable to obtain passports (see Sections 1.f. and 2.d.).

Unlike previous years, during which the Government deterred representatives of international NGOs from traveling to the country, there were no reported cases of the Government preventing international NGOs from visiting. On March 11, the International Commission of Jurists issued a report in which it stated that it had attempted to conduct two fact-finding missions in the country in June 2002 and October 2002. On each occasion, members of the groups were forced by immigration officials to return to Europe immediately upon their arrival. In September 2002 a delegation of Dutch lawyers was also denied entry into the country to protest the lack of an independent judiciary and support for the Tunisian Bar Association.

HRW stated that Abdullah Zouari was arrested in August because he assisted an HRW research mission in the south, despite a warning by police "not to contact foreign media and rights workers" (see Section 2.a.).

AI continued to maintain a local chapter, although members complained that the office suffered repeated loss of telephone and fax service. Persons who had considered joining the chapter reported that security officials discouraged them from doing so. AI officials reported that they were under periodic police surveillance and that there was interference with their mail.

The International Committee of the Red Cross (ICRC) maintained a regional office in the country, covering Algeria, Libya, Mauritania, Morocco/Western Sahara, and Tunisia. According to its website, it focuses on the Western Sahara issue and on promoting knowledge of international humanitarian law.

In June, the U.N. Committee on the Elimination of Racial Discrimination issued a report in response to a July 2002 government report that the Committee said did not provide sufficient information about the country's human rights situation and the status of Berbers. The Committee also expressed concern that "penal laws punish racial discrimination and incitement to racial hatred as extensions of the law that penalizes terrorism."

The Ministry of Justice and Human Rights, created in September 2002 and headed by Bechir Tekkari, has the lead on addressing human rights issues in the country. The General Coordinator for Human Rights directed the Ministry's human rights

portfolio on a day-to-day basis. There were also human rights offices in other ministries. A governmental body, the Higher Commission on Human Rights and Basic Freedoms, allegedly addressed and sometimes resolved human rights complaints. The Higher Commission submitted confidential reports directly to President Ben Ali. The Government maintained several human rights websites, which highlighted the country's human rights achievements, but it continued to block access to the sites of most human rights organizations (see Section 2.a.).

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides that all citizens are equal before the law, and the Government generally respected these rights. Legal discrimination was not pervasive; however, in some areas such as inheritance and family law, Shari'a-based provisions in the civil code adversely affected women.

Women

Violence against women occurs, but there are no comprehensive statistics to measure its extent. The National Union of Tunisian Women (UNFT) is a government-sponsored organization that ran a center to assist women and children in difficulty. Another, the Tunisian Democratic Women's Association, also operated a counseling center for women who were victims of domestic violence. It assisted approximately 20 women per month. Police officers and the courts tended to regard domestic violence as a problem to be handled by the family. Nonetheless, there are stiff penalties for spousal abuse. Both the fine and imprisonment for battery or violence committed by a spouse or family member are double those for the same crimes committed by an individual not related to the victim.

The Penal Code specifically prohibits rape. There is no legal exception to this law for spousal rape, but in part due to social stigma, there were no reports of spousal rape being prosecuted.

The Penal Code prohibits prostitution, but charges against individuals were rare. There were no reported cases of trafficking or forced prostitution involving women (see Section 6.f.).

During the year, there were approximately 20 cases of young women who were slashed with razorblades by one or more male assailants riding mopeds, reportedly because the women were dressed in a style Islamists viewed as immodest. In August, police arrested two individuals for the attacks. Both remained imprisoned at year's end.

The Penal Code specifically prohibits sexual harassment. Sexual harassment occurred, but there were no comprehensive statistics to measure its extent.

Women enjoy substantial rights, and the Government advanced those rights in the areas of property ownership practices and support to divorced women. Women comprised approximately 30 percent of the work force. The law explicitly requires equal pay for equal work, and although there were no statistics comparing the average earnings of men and women, anecdotal evidence indicated that women and men performing the same work received the same wages. In 2002 there were an estimated 5,000 businesses headed by women, which was an increase from 3,900 in 2000. A slight majority of university students were women. Even in the last few years female (as well as male) illiteracy levels dropped markedly in both rural and urban areas, and although overall illiteracy among women remained 20 percent higher than among men, that figure, due in large part to rural illiteracy among generations born prior to the country's independence, continued to drop. Women served in high levels of the Government as cabinet ministers and secretaries of state, comprising more than 13 percent of the total (see Section 3). Women constituted 37 percent of the civil service and 24 percent of the nation's total jurists. However, women still face societal and economic discrimination in certain categories of private sector employment.

Codified civil law is based on the Napoleonic code; however, judges often use Shari'a as a basis for customary law in cases involving family and inheritance laws. Most property acquired during marriage, including property acquired solely by the wife, is held in the name of the husband. Muslim women are not permitted to marry outside their religion. Marriages of Muslim women to non-Muslim men abroad are considered common-law and are voided when the couple returns to the country. Application of inheritance law continued to discriminate against women, and there was a double standard based on gender and religion: Non-Muslim women and Muslim men who are married may not inherit from each other, the Government considers all children from those marriages to be Muslim, and those children are forbidden by law from inheriting anything from their mothers.

There was a Ministry for Women's Affairs, Family, and Childhood, with nearly 3 percent of its \$2 million (3 million TD) budget devoted to ensuring the legal rights of women while simultaneously improving their socioeconomic status. The Government supported and funded the UNFT, women's professional associations, and the Government's Women's Research Center. Several NGOs focused, in whole or in part, on women's advocacy and research in women's issues, and a number of attorneys represented women in domestic cases.

Children

The Government demonstrated a strong commitment to free and universal public education, which is compulsory from age 6 to 16. According to UNICEF, 95 percent of boys and 93 percent of girls were in primary school, and approximately 73 percent of

boys and 76 percent of girls were in secondary school. During the year, female students graduated from secondary school at a higher rate than male counterparts. There were schools for religious groups (see Section 2.c.). The Government sponsored an immunization program targeting preschool-age children and reported that more than 95 percent of children are vaccinated. Male and female students received equal access to medical care.

Penalties for convictions for abandonment and assault on minors were severe. There was no societal pattern of abuse of children. There were two ministries responsible for rights of children: the Ministry of Women's Affairs, Family, and Childhood, and the Ministry of Culture, Youth, and Leisure. Each had secretaries of state responsible for safeguarding the rights of children.

Persons with Disabilities

Persons with disabilities faced little discrimination in the fields of employment or education or in the provision of state services. The law prohibits such discrimination and mandates that at least 1 percent of public and private sector jobs be reserved for persons with disabilities. All public buildings constructed since 1991 must be accessible to persons with physical disabilities, and the Government generally enforced these provisions. Many cities, including the capital, began installing wheelchair access ramps on city sidewalks. The Government issued special cards to persons with disabilities for benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts. The Government provided tax incentives to companies to encourage the hiring of persons with physical disabilities.

The law also specifically prohibits discrimination against persons with mental disabilities. Several active NGOs provided educational, vocational, and recreational assistance to children and young adults with mental disabilities. The Government and international organizations funded several programs.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Labor Code provide workers the right to organize and form unions, and the Government generally respected this right in practice. The UGTT is the country's only labor federation. Approximately 15 percent of the 3.3 million-person work force were members, including civil servants and employees of state-owned enterprises, and a considerably larger proportion of the work force is covered by union contracts. A union may be dissolved only by court order.

The UGTT and its member unions are legally independent of the Government and the ruling party but operated under regulations that restrict their freedom of action. The UGTT's membership included persons associated with all political tendencies. There were credible reports that the UGTT receives substantial government subsidies to supplement modest union dues and funding from the National Social Security Account. While regional and sector-specific unions operate with some independence on local issues, the central UGTT leadership generally cooperated with the Government regarding its economic reform program. Throughout the year the UGTT board showed some independence regarding economic and social issues and in support of greater democracy.

The law prohibited antiunion discrimination by employers; however, the UGTT claims that there was antiunion activity among private sector employers, especially firing of union activists and using temporary workers to avoid unionization. In certain industries, such as textiles, hotels, and construction, temporary workers account for a large majority of the work force. The Labor Code protects temporary workers, but enforcement was more difficult than in the case of permanent workers. A committee chaired by an officer from the Labor Inspectorate of the Office of the Inspector General of the Ministry of Social Affairs and Solidarity, and including a labor representative and an employers' association representative, approves all worker dismissals.

Unions were free to associate with international bodies. The UGTT is a signatory to the Maghreb Social Charter which includes provisions on the right to work, gender equality, freedom of movement, protection for children, women, elderly, and persons with disabilities, better working conditions, workplace health and safety, and vocational and professional training. The UGTT was a member of the International Confederation of the Free Trade Unions (ICFTU), Confederation of Arab Trade Unions, and Confederation of African Trade Unions. Many individual unions are affiliated with relevant international sectoral confederations. ICFTU noted in its Annual Survey of Trade Union Rights that the Government has never produced the list of essential services "whose interruption would endanger the lives, safety or health of all or a section of the population," which leaves that provision of the Labor Code open to abuse.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is protected by law and observed in practice. Wages and working conditions are set in triennial negotiations between the UGTT member unions and employers. Forty-seven collective bargaining agreements set standards for industries in the private sector and covered 80 percent of the total private sector workforce. The Government's role in private sector negotiations was minimal, consisting mainly of lending its good offices if talks stalled. However, the Government must approve, but may not modify, all agreements. Once approved, the agreements are binding on both union and nonunion workers in the line of work that they cover. The UGTT also negotiated wages and work conditions of civil servants and employees of state-owned enterprises. The Government is the partner in such negotiations. The 2002-03 triennial labor

negotiations with the UGTT and UTICA (the private sector employer's association) resulted in a compromise 5 percent wage increase in most sectors.

Unions, including those representing civil servants, have the right to strike, provided that they give 10 days advance notice to the UGTT and it grants approval. The ICFTU has characterized the requirement for prior UGTT approval of strikes as a violation of worker rights. However, such advance approval rarely was sought in practice. There were numerous short-lived strikes over failure by employers to fulfill contract provisions regarding pay and conditions and over efforts by employers to impede union activities. While the majority of the strikes technically were illegal, the Government did not prosecute workers for illegal strike activity, and the strikes were reported objectively in the press. The law prohibited retribution against strikers. Labor disputes were settled through conciliation panels in which labor and management are represented equally. Tripartite regional arbitration commissions settle industrial disputes when conciliation fails.

There are export-processing zones (EPZs) in the country. Organization and collective bargaining rights are not denied by law or practice in EPZs, nor are there any special laws or exemptions for regular labor laws for these zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced and bonded labor, and there were no reports that such practices occurred. However, some parents of teenage girls placed their daughters as domestic servants and collected their wages (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

Child labor does not pose a significant problem. The minimum age for employment is 16 years and is consistent with the age for completing educational requirement (see Section 5). The minimum age for light work in the non-industrial and agricultural sectors during non-school hours is 13 years. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which must include the hours between 10 p.m. and 6 a.m. Children between the ages of 14 and 16 in non-agricultural sectors may work no more than 2 hours per day. The total time that children spend in school and work may not exceed 7 hours per day. The minimum age for hazardous or manual labor is 18. The Government adhered to the standards of International Labor Organization (ILO) Convention 182 and enacted regulations concerning the "worst forms of child labor" and "hazardous" work. Inspectors of the Ministry of Social Affairs and Solidarity examined the records of employees to verify that employers complied with the minimum age law. Nonetheless, young children sometimes performed agricultural work in rural areas and worked as vendors in towns, primarily during their summer vacation from school. There were no reports of sanctions against employers.

Observers expressed concern that child labor existed, both disguised as apprenticeship, particularly in the handicraft industry, and in the cases of teenage girls whose families placed them as domestic servants. There were no reliable statistics on the extent of this phenomenon; however, an independent lawyer who conducted a study of the practice in 2000 concluded that hiring of underage girls as domestics servants had declined with increased government enforcement of school attendance and minimum work age laws.

e. Acceptable Conditions of Work

The Labor Code provides for a range of administratively determined minimum wages, which are set by a commission of representatives from the Ministries of Finance, Social Affairs and Solidarity, and Development and International Cooperation, in consultation with UGTT and UTICA and approved by the President. In June, the industrial minimum wage was raised to \$165 (211 dinar) per month for a 48-hour workweek and to \$144 (184 dinar) per month for a 40-hour workweek. The agricultural minimum wage is \$5 (7 dinar) per day. With the addition of transportation and family allowances, the minimum wage provided a decent standard of living for a worker and family. However, that income was only enough to cover essential costs. The Labor Code sets a standard 48-hour workweek for most sectors and requires one 24-hour rest period per week.

Regional labor inspectors are responsible for enforcing standards related to hourly wage regulations. They inspect most firms approximately once every 2 years. However, the Government often had difficulty enforcing the minimum wage law, particularly in non-unionized sectors of the economy. In addition, the ILO has estimated that more than 240,000 workers were employed in the informal sector, which was not covered by labor laws.

The Ministry of Social Affairs and Solidarity has responsibility for enforcing health and safety standards in the workplace. There were special government regulations covering hazardous occupations like mining, petroleum engineering, and construction. Working conditions and standards tended to be better in firms that were export oriented than in those producing exclusively for the domestic market. Workers were free to remove themselves from dangerous situations without jeopardizing their employment, and they may take legal action against employers who retaliate against them for exercising this right.

The few foreign workers in the country have the same protections as citizen workers.

f. Trafficking in Persons

Establishing the scope of trafficking in persons is problematic due to difficulties distinguishing trafficking in persons from other

forms of illegal migration; however, available reports do not indicate that trafficking in persons was a significant problem. Although the law does not specifically prohibit trafficking in persons, the Government was prepared to use other provisions of the penal code to combat trafficking should the need arise. Measures were introduced during the year to criminalize aspects of it; however, current law does prohibit slavery and bonded labor.

In March, the Coast Guard stopped a Libyan ship transiting Tunisian waters. Police arrested 180 persons on board, including the captain and crew. The passengers were deported and the ship's operators were charged with filing improper shipping documents. In April, the National Guard arrested 50 North Africans attempting to emigrate illegally from Mahdia (120 miles south of Tunis) by boat to Italy. Those arrested claimed they paid up to \$900 (1000 TD) each. Passengers were convicted of illegal border crossing and imprisoned. In June, a Libyan ship sank off the coast of Tunisia attempting to cross to Italy, which resulted in more than 200 deaths. A week later, nine more illegal immigrants drowned when their ship sank off the northeastern coast. In August, 1 group of 46 Central Africans successfully made the crossing from the country to Sicily, while authorities arrested another group of 30 individuals near Moknine, thus preventing their departure for the Italian coast.